

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CR-2-15-065
	:	JUDGE FROST
v.	:	
	:	
JOSE ALFREDO ULLOA,	:	
	:	
Defendant.	:	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the Information (Doc. 17) filed in this action contained forfeiture allegations (Forfeitures A and B) notifying Defendant Jose Alfredo Ulloa that the United States sought the forfeiture of specific property, pursuant to 18 U.S.C. §924(d)(1) and 21 U.S.C. §853(a)(1) and (2), based on the conduct of Defendant Jose Alfredo Ulloa in Counts One and Two of the Information, in violation of 18 U.S.C. §922(g)(1), 18 U.S.C. §924(a)(2), 21 U.S.C. §§841(a)(1) and (b)(1)(B), and 21 U.S.C. §846, which property is fully described below (“subject property”); and

WHEREAS, on April 8, 2015, Defendant Jose Alfredo Ulloa entered a Plea of Guilty to Counts One and Two of the Information; and

WHEREAS, in the Plea Agreement (Doc. 18) filed on March 10, 2015, Defendant Jose Alfredo Ulloa acknowledged liability for the forfeiture of the \$28,190.00 in United States currency as alleged in Forfeiture A of the Information involving funds seized from Defendant Jose Alfredo Ulloa at the time of his arrest and/or used in furtherance of the conspiracy as alleged in the Information. Defendant Jose Alfredo Ulloa further acknowledged liability for the forfeiture of the firearms as alleged in Forfeiture B of the Information. Defendant Jose Alfredo

Ulloa also agreed to cooperate fully in the forfeiture of the United States currency and firearms and further agreed not to contest the forfeiture in any way or to assist others in contesting the forfeiture.

WHEREAS, by virtue of said Information, Guilty Plea, and Plea Agreement the Court has determined that the requisite nexus exists between the subject property and Counts One and Two of the Information, that the subject property is forfeitable pursuant to 18 U.S.C. §924(d)(1) and 21 U.S.C. §853(a)(1) and (2), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

1. That Defendant Jose Alfredo Ulloa shall forfeit to the United States the subject property that is:

Twenty-Eight Thousand One Hundred Ninety and 00/100 Dollars (\$28,190.00) in United States Currency;

One (1) Smith and Wesson, Model M&P, .40 caliber pistol, SN: DTA7148, including any ammunition;

One (1) Bushmaster, Model XM15-E2S, .223/5.56 caliber rifle, SN: BF1595630, including any ammunition;

One (1) Romarm/Cugir, Model GP/WASR-10/63, 7.62 caliber rifle, SN: 1982S-AP0514, including any ammunition; and,

One (1) Norinco, Model MAK-90 Sporter, 7.62 caliber rifle, SN: 9485172, including any ammunition.

2. That the United States Marshals Service and/or the designated agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall immediately seize the subject property and hold same in his secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, in accordance with the provisions of 21 U.S.C. §853(n), notice of this Order and notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant Jose Alfredo Ulloa at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 24th day of April, 2015.

/s/ GREGORY L. FROST

HONORABLE GREGORY L. FROST
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Brian J. Martinez

BRIAN J. MARTINEZ (CA 224587)
Special Assistant United States Attorney
Attorney for Plaintiff
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
Office: (614) 469-5715
Fax: (614) 469-5653
E-mail: Brian.Martinez2@usdoj.gov